

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

LISA LEARMONTH

PLAINTIFF

VS.

Civil Action No. 4:06-CV-00128

SEARS, ROEBUCK AND COMPANY

DEFENDANT

ORDER ON MOTION TO RELEASE LETTER OF CREDIT AND
TO APPROVE SUBSTITUTE APPEAL BOND

This matter comes before the Court on Defendant Sears, Roebuck and Co.'s Motion to Release Letter of Credit and to Approve Substitute Appeal Bond (the "Motion"). The Court has reviewed the Motion and the accompanying Supersedeas Bond submitted by Sears, and has been advised that Plaintiff Lisa Learmonth consents to the relief requested in the Motion. Therefore, having considered the Motion,

IT IS HEREBY ORDERED:

(1) The Supersedeas Bond in the amount of \$2,900,000.00 posted by Sears, Roebuck and Co. in conjunction with the Motion is hereby approved, pursuant to Rule 62(d) of the Federal Rules of Civil Procedure, as security for (a) the Final Judgment entered in favor of Plaintiff Lisa Learmonth on November 25, 2008, as modified by the Memorandum Opinion and Order entered on July 28, 2009, in the amount of \$2,781,094.40, (b) all post-judgment interest accruing on the Final Judgment as modified, (c) the Bill of Costs entered in favor of Plaintiff Lisa Learmonth on December 3, 2008, in the amount of \$5,717.61, and (d) all costs that may be taxed by the Court of Appeals in favor of Plaintiff Lisa Learmonth at the conclusion of the appeal of this matter.

(2) The Clerk of the Court shall hold the Supersedeas Bond as security in accordance with this Order until such time as the Court instructs the Clerk regarding its disposition.

(3) The Letter of Credit posted by Sears, Roebuck and Co. with the Court on December 10, 2008 is hereby released, and the Clerk of the Court is directed to return the Letter of Credit to counsel of record for Sears, Roebuck and Co.

So ordered, this the 16th day of October, 2009.

/s/Tom S. Lee

United States District Court Judge

ORDER PREPARED BY:

H. Gray Laird, III (MSB# 8979)
PAGE, KRUGER & HOLLAND, P.A.
Post Office Box 1163
Jackson, MS 39215-1163
Tel: (601) 420-0333
Fax: (601) 420-0033

Francis A. Citera
Gregory E. Ostfeld
GREENBERG TRAURIG, LLP
77 West Wacker Drive
Chicago, IL 60601-1732
Tel: (312) 456-8400
Fax: (312) 456-8435

Attorneys for Sears, Roebuck and Co.